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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,320	01/21/2004	Takao Isogai	084335-0181	7661
22428 7590 01/30/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER MARTINELL, JAMES	
			ART UNIT	PAPER NUMBER
			1634	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/760,320

Applicant(s)

ISOGAI ET AL.

Examiner

James Martinell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GenBank® Accession No. AC008736 (September 27, 2000). GenBank® Accession No. AC008736 has 92.7% sequence identity to SEQ ID NO: 102 (see the alignment below). Thus, GenBank® Accession No. AC008736 is embraced by the claims (*e.g.*, see Claim 1(f) and (g)). Since the DNA was sequenced, it was necessarily contained within a vector and host cell. This rejection is repeated for reasons already of record (*e.g.*, Office action mailed June 2, 2006, pages 5-10). Applicants' arguments (response filed October 25, 2006, pages 10-11) are most unconvincing. SEQ ID NO: 2290 is encoded by nucleotides 858-1562 of SEQ ID NO: 102 (see the alignment below). GenBank® Accession No. AC008736 matches SEQ ID NO: 102, nucleotides 858-1562 except for one mismatch at nucleotide 1187 in SEQ ID NO: 102 (see the alignment below). SEQ ID NO: 102, nucleotides 1185-1187 (cga) encode arginine as do GenBank® Accession No. AC008736, nucleotides 128,245-128,247 (cgg). Thus, the nucleic acid of GenBank® Accession No. AC008736 is embraced by the claims. Watson et al (*The DNA Story*, 1981 W.H. Freeman and Company, New York, page 547) is cited here to show that both cga and cgg encode arginine.

RESULT 3  
AC008736/c  
LOCUS AC008736 191925 bp DNA linear PRI 27-SEP-2000  
DEFINITION Homo sapiens chromosome 19 clone CTD-2538C1, complete sequence.  
ACCESSION AC008736  
VERSION AC008736.6 GI:10312244  
KEYWORDS HTG.  
SOURCE Homo sapiens (human)  
ORGANISM Homo sapiens  
Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;  
Mammalia; Eutheria; Euarchontoglires; Primates; Catarrhini;  
Hominidae; Homo.  
REFERENCE 1 (bases 1 to 191925)  
AUTHORS DOE Joint Genome Institute and Stanford Human Genome Center.  
TITLE Direct Submission  
JOURNAL Unpublished  
REFERENCE 2 (bases 1 to 191925)  
AUTHORS DOE Joint Genome Institute.  
TITLE Direct Submission  
JOURNAL Submitted (03-AUG-1999) Production Sequencing Facility, DOE Joint

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REFERENCE Genome Institute, 2800 Mitchell Drive, Walnut Creek, CA 94598, USA  
3 (bases 1 to 191925)  
AUTHORS DOE Joint Genome Institute and Stanford Human Genome Center.  
TITLE Direct Submission  
JOURNAL Submitted (27-SEP-2000) DOE Joint Genome Institute, 2800 Mitchell Drive, Walnut Creek, CA 94598, USA  
COMMENT On Sep 27, 2000 this sequence version replaced gi:8575905.  
Draft Sequence Produced by DOE Joint Genome Institute  
www.jgi.doe.gov  
Finishing Completed at Stanford Human Genome Center.  
www-shgc.stanford.edu  
Quality: Phrap Quality >=40 99.9% of Sequence;  
Estimated Total Number of Errors is 0.1.  
STS Content:  
SHGC-57769 G37408.

FEATURES Location/Qualifiers  
source 1. 191925  
/organism="Homo sapiens"  
/mol\_type="genomic DNA"  
/db\_xref="taxon:9606"  
/chromosome="19"  
/clone="CTD-2538C1"

## ORIGIN

Query Match 92.7%; Score 2892.8; DB 8; Length 191925;  
Best Local Similarity 99.9%; Pred. No. 0;  
Matches 2894; Conservative 0; Mismatches 2; Indels 0; Gaps 0;

Qy 1 ACTAGAGGTGGGGTTAGCGCTTGAAGCACCGACCAACGTGAGCGCAACGCGGCAGGGAC 60  
|||||  
Db 129460 ACTAGAGGTGGGGTTAGCGCTTGAAGCACCGACCAACGTGAGCGCAACGCGGCAGGGAC 129401  
  
Qy 61 ACCTGACCCCGGCGGCCAGCCCTCGGATTGCCAGTCACTGCTCGCTTTGGGGCAGC 120  
|||||  
Db 129400 ACCTGACCCCGGCGGCCAGCCCTCGGATTGCCAGTCACTGCTCGCTTTGGGGCAGC 129341  
  
Qy 121 GAGGTGCCCAGTCCTGCGGGGCACCCGACGTCTGTGCGCCGACAGGGTCCGGGAGTCAGT 180  
|||||  
Db 129340 GAGGTGCCCAGTCCTGCGGGGCACCCGACGTCTGTGCGCCGACAGGGTCCGGGAGTCAGT 129281  
  
Qy 181 ATAGCTGGGTTCTAGTCCCATCACAGGCAAAAACCTCCGCGGGAGCCTGGCCCGCTTTT 240  
|||||  
Db 129280 ATAGCTGGGTTCTAGTCCCATCACAGGCAAAAACCTCCGCGGGAGCCTGGCCCGCTTTT 129221  
  
Qy 241 CCTGGGCCTCAGTTTCCCATCCGTAAAATAGAACGGGTTGGATCTCCCGAGCGCTAACA 300  
|||||  
Db 129220 CCTGGGCCTCAGTTTCCCATCCGTAAAATAGAACGGGTTGGATCTCCCGAGCGCTAACA 129161  
  
Qy 301 TTCCAGAACTCGGATGGGGCGAAGGGGAGGGAGGGATGGGCCACCCACACGTGACCTCCC 360  
|||||  
Db 129160 TTCCAGAACTCGGATGGGGCGAAGGGGAGGGAGGGATGGGCCACCCACACGTGACCTCCC 129101  
  
Qy 361 CGCGTGGAGCCCCGCCTACCACTGATCCAGGGGGTGGCAGCTCCGGCCGGGACGAGCGGG 420  
|||||  
Db 129100 CGCGTGGAGCCCCGCCTACCACTGATCCAGGGGGTGGCAGCTCCGGCCGGGACGAGCGGG 129041  
  
Qy 421 GTGGGCGGGTCTAGGAAACCCTACCCGGCCGCCCTTGGCAGCGCCTAAGGCGGAGCGCG 480  
|||||  
Db 129040 GTGGGCGGGTCTAGGAAACCCTACCCGGCCGCCCTTGGCAGCGCCTAAGGCGGAGCGCG 128981

Qy	481	CGGCTCTGCAGCCTGCTTGCCCGGAGTTGGCACCCACGGAGGATGGGGACCGCACCTC	540
Db	128980	CGGCTCTGCAGCCTGCTTGCCCGGAGTTGGCACCCACGGAGGATGGGGACCGCACCTC	128921
Qy	541	AGCTTCGAGGGAGCCACCGTGGAGGCCAGGGCGGTGCAGAGACACGACGTGTGACTCGG	600
Db	128920	AGCTTCGAGGGAGCCACCGTGGAGGCCAGGGCGGTGCAGAGACACGACGTGTGACTCGG	128861
Qy	601	AGTGCGCCTGGGGAGGATGGACGAGGGAGCGGGGACCGCTAACGGGGCTCCCTCTGCGC	660
Db	128860	AGTGCGCCTGGGGAGGATGGACGAGGGAGCGGGGACCGCTAACGGGGCTCCCTCTGCGC	128801
Qy	661	GCCCCGTCCGCAGAGGCGCACGTCGAGGGTCCCGGGCGGGCTCCGTGGACGTTGGCGGTA	720
Db	128800	GCCCCGTCCGCAGAGGCGCACGTCGAGGGTCCCGGGCGGGCTCCGTGGACGTTGGCGGTA	128741
Qy	721	GCGCCGAGCGAGTCACGGACCATGAAGAGCGTTTCGTGCCGCGCGGCCAAGGCCGGGATG	780
Db	128740	GCGCCGAGCGAGTCACGGACCATGAAGAGCGTTTCGTGCCGCGCGGCCAAGGCCGGGATG	128681
Qy	781	GGGGTTAGCCACATCCTGCCGCGCTGAGGGGGAGGCTAACGGGCGCGGGCGGGCCGGGCC	840
Db	128680	GGGGTTAGCCACATCCTGCCGCGCTGAGGGGGAGGCTAACGGGCGCGGGCGGGCCGGGCC	128621
Qy	841	AGCCGGAGCCACCGCGATGGCGAGGGAGGAGTGCAAGGCGCTGCTGGACGGGCTCAACA	900
Db	128620	AGCCGGAGCCACCGCGATGGCGAGGGAGGAGTGCAAGGCGCTGCTGGACGGGCTCAACA	128561
Qy	901	AGACGACTGCGTGCTACCACCACCTGGTGCTGACCGTCGGTGGCTCGGCGGACTCGCAGA	960
Db	128560	AGACGACTGCGTGCTACCACCACCTGGTGCTGACCGTCGGTGGCTCGGCGGACTCGCAGA	128501
Qy	961	ACCTGCGGCAGGAGCTGCAAAAGACGCGCCAGAAGGCGCAGGAGCTGGCGGTGTCCACCT	1020
Db	128500	ACCTGCGGCAGGAGCTGCAAAAGACGCGCCAGAAGGCGCAGGAGCTGGCGGTGTCCACCT	128441
Qy	1021	GCGCCCGGCTGACTGCTGTGCTGCGCGACCGGGGCTGGCCGCCGACGAGCGCGCCGAGT	1080
Db	128440	GCGCCCGGCTGACTGCTGTGCTGCGCGACCGGGGCTGGCCGCCGACGAGCGCGCCGAGT	128381
Qy	1081	TCGAGCGGCTCTGGGTGGCCTTCTCGGGCTGCCTGGACCTGCTGGAAGCGGACATGCGAC	1140
Db	128380	TCGAGCGGCTCTGGGTGGCCTTCTCGGGCTGCCTGGACCTGCTGGAAGCGGACATGCGAC	128321
Qy	1141	GCTCGCTGGAGCTGGGCGCCGCGTTCCCGCTGCACGCGCCGCGGCGACCGCTGGTGCGCA	1200
Db	128320	GCTCGCTGGAGCTGGGCGCCGCGTTCCCGCTGCACGCGCCGCGGCGGCGGCGCTGGTGCGCA	128261
Qy	1201	CAGGTGTGGCTGGCGCCTCCTCCGGCGTGGCGGCGCGCGCTGAGCACCCGAGCCTGC	1260
Db	128260	CAGGTGTGGCTGGCGCCTCCTCCGGCGTGGCGGCGCGCGCTGAGCACCCGAGCCTGC	128201
Qy	1261	GGCTCGAGGCGGAGGGCGACTTCGACGTCGCGGACCTGCGGGAGCTGGAGCGCGAGGTCC	1320
Db	128200	GGCTCGAGGCGGAGGGCGACTTCGACGTCGCGGACCTGCGGGAGCTGGAGCGCGAGGTCC	128141
Qy	1321	TTCAGGTGGGCGAGATGATCGACAACATGGAGATGAAGGTCAACGTGCCCCGCTGGACCG	1380
Db	128140	TTCAGGTGGGCGAGATGATCGACAACATGGAGATGAAGGTCAACGTGCCCCGCTGGACCG	128081

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Qy 1381 TGCAAGCCCGGCAGGCGGGCGCCGAGCTCCTGTCCACGGTCAGCGCCGGCCCCCTCCT 1440  
|||||  
Db 128080 TGCAAGCCCGGCAGGCGGGCGCCGAGCTCCTGTCCACGGTCAGCGCCGGCCCCCTCCT 128021  
Qy 1441 CGGTCGTGTCTTGCAGGAGCGCGGGGGGGTTCGACCCCAGGAAGGCCCTGGCCGCCA 1500  
|||||  
Db 128020 CGGTCGTGTCTTGCAGGAGCGCGGGGGGGTTCGACCCCAGGAAGGCCCTGGCCGCCA 127961  
Qy 1501 TCCTTTTCGGCGCCGTGTGCTGGCGGCTGTGGCCCTAGCCGTGTGCGTGGCGAAGCTGA 1560  
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Db 127960 TCCTTTTCGGCGCCGTGTGCTGGCGGCTGTGGCCCTAGCCGTGTGCGTGGCGAAGCTGA 127901  
Qy 1561 GCTGACAGACACCCGACGCCGCTGTGCTGCCGCTCCCTCCCCTGAGAAAAGACTCGG 1620  
|||||  
Db 127900 GCTGACAGACACCCGACGCCGCTGTGCTGCCGCTCCCTCCCCTGAGAAAAGACTCGG 127841  
Qy 1621 GATGGGTGTGGGGTCTGGCCTGTGCAAGGGGAGTGGTCCTAAACCCCGTGTGTGCATGG 1680  
|||||  
Db 127840 GATGGGTGTGGGGTCTGGCCTGTGCAAGGGGAGTGGTCCTAAACCCCGTGTGTGCATGG 127781  
Qy 1681 GTACACGCGCGTTTCCAGTGACATCTGCCTGGGCAGGACACGGTTTTCTCTTGCTGGC 1740  
|||||  
Db 127780 GTACACGCGCGTTTCCAGTGACATCTGCCTGGGCAGGACACGGTTTTCTCTTGCTGGC 127721  
Qy 1741 CCGGGAGAAGTTAACTTTGCGCCGGCCGTGAGGGCATTACCGCTAACGTCTGCAGGAGCT 1800  
|||||  
Db 127720 CCGGGAGAAGTTAACTTTGCGCCGGCCGTGAGGGCATTACCGCTAACGTCTGCAGGAGCT 127661  
Qy 1801 TTATTCCCTATTAATAGAAAACCGTCACAGTGACCCTAGATCCCTCCGAGTTAATGAGTT 1860  
|||||  
Db 127660 TTATTCCCTATTAATAGAAAACCGTCACAGTGACCCTAGATCCCTCCGAGTTAATGAGTT 127601  
Qy 1861 AACACATGTGCTGTTGGGGCGTCTTTACAGGGAGTCCGAGTTCGGTGCCACCCCTGCCA 1920  
|||||  
Db 127600 AACACATGTGCTGTTGGGGCGTCTTTACAGGGAGTCCGAGTTCGGTGCCACCCCTGCCA 127541  
Qy 1921 GCGTCGCCCCCTTTCTGCGTGGGACAGTTTGAAGAGTGGGTGGGTGGAGTGAAGTTTG 1980  
|||||  
Db 127540 GCGTCGCCCCCTTTCTGCGTGGGACAGTTTGAAGAGTGGGTGGGTGGAGTGAAGTTTG 127481  
Qy 1981 GAGAGGGACGCTGTTTGGTTCTATGTGGTTGGTCTGTTTCCCGGACAAGAAAAATTGCAA 2040  
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Db 127480 GAGAGGGACGCTGTTTGGTTCTATGTGGTTGGTCTGTTTCCCGGACAAGAAAAATTGCAA 127421  
Qy 2041 TCAAATGTCAGCAGCTTTTATTACCTTAATCTTTCAGGGCCTAAATTTAGGAGAGTGTCC 2100  
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Db 127420 TCAAATGTCAGCAGCTTTTATTACCTTAATCTTTCAGGGCCTAAATTTAGGAGAGTGTCC 127361  
Qy 2101 TGAGAGCAGTTCATACAAAGGGCTTTCTCTAAGACGCGCTACAGCCCTTCCTAGCAGAGT 2160  
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Db 127360 TGAGAGCAGTTCATACAAAGGGCTTTCTCTAAGACGCGCTACAGCCCTTCCTAGCAGAGT 127301  
Qy 2161 TTATCCATTTCGTCCTCAAGAGCAGCTAGAAGAGATTTGAGGTCATGACCTCCCACTGCCG 2220  
|||||  
Db 127300 TTATCCATTTCGTCCTCAAGAGCAGCTAGAAGAGATTTGAGGTCATGACCTCCCACTGCCG 127241  
Qy 2221 CTCAGGGGCTGACCCTATTTAGGAAACCAAGAGGGTGGGTGTAACCTACTCTCACGGAC 2280  
|||||  
Db 127240 CTCAGGGGCTGACCCTATTTAGGAAACCAAGAGGGTGGGTGTAACCTACTCTCACGGAC 127181

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Qy      2281 TTGGATCCAGTGCGCACACTTGCTGCGGAAAAGGGCTCTCCCAGCCACCCGGAGATGG 2340
          |||
Db      127180 TTGGATCCAGTGCGCACACTTGCTGCGGAAAAGGGCTCTCCCAGCCACCCGGAGATGG 127121

Qy      2341 GGGTAAGAGGAAGAGCAGAGGCTTGGGGTAGGGCCACCTGGTGTTTAAACAGGCACCTTTC 2400
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Db      127120 GGGTAAGAGGAAGAGCAGAGGCTTGGGGTAGGGCCACCTGGTGTTTAAACAGGCACCTTTC 127061

Qy      2401 TCCTTCTCTGGGGCTTATTTTGTTCAGAACTAGACCAGAGTGTTTGAACCTCCTTTGCA 2460
          |||
Db      127060 TCCTTCTCTGGGGCTTATTTTGTTCAGAACTAGACCAGAGTGTTTGAACCTCCTTTGCA 127001

Qy      2461 GGAGGGCTGGGAATCCTCTTTAGAGCACTTAATCCTATTTATCCCTGGAATGTGCGTGC 2520
          |||
Db      127000 GGAGGGCTGGGAATCCTCTTTAGAGCACTTAATCCTATTTATCCCTGGAATGTGCGTGC 126941

Qy      2521 TGGCCAGTAGGAGGGCTGGCTTTGGCAGCTCCCTGACCCCGCGCTGCCCGCCCCTCCGG 2580
          |||
Db      126940 TGGCCAGTAGGAGGGCTGGCTTTGGCAGCTCCCTGACCCCGCGCTGCCCGCCCCTCCGG 126881

Qy      2581 GGTAATGTGGCATTACTGGCCCACAGAGGTTTGTAGCCAATCAGCTCTGAGACTGGGTTA 2640
          |||
Db      126880 GGTAATGTGGCATTACTGGCCCACAGAGGTTTGTAGCCAATCAGCTCTGAGACTGGGTTA 126821

Qy      2641 GAATGTAACAGCTTTAACTTGGGATTTAAGAAGCTTTTAAAAGGTAATAATCCTCTGAAA 2700
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Db      126820 GAATGTAACAGCTTTAACTTGGGATTTAAGAAGCTTTTAAAAGGTAATAATCCTCTGAAA 126761

Qy      2701 GAAAAATGACGTAACCACAGCGTGACTATGAAAGCTGTTATTTTAATAAAGAACGCTGG 2760
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Db      126760 GAAAAATGACGTAACCACAGCGTGACTATGAAAGCTGTTATTTTAATAAAGAACGCTGG 126701

Qy      2761 GCCATGAACTCATACCTGCCAATGAGTCAAACATAGTATCTTTATGTAGATACTTAGATT 2820
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Db      126700 GCCATGAACTCATACCTGCCAATGAGTCAAACATAGTATCTTTATGTAGATACTTAGATT 126641

Qy      2821 ACTAAATATATATTTTCATCTACTTCTGAAGTTGATAGTCTTCCCCCCCCCCCCACTTTTT 2880
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Db      126640 ACTAAATATATATTTTCATCTACTTCTGAAGTTGATAGTCTTCCCCCCCCCCCCACTTTTT 126581

Qy      2881 TCTTTTTTTGAGGCAGG 2896
          |||
Db      126580 TCTTTTTTTGAGACAGG 126565

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over GenBank® Accession No. AC008736 (September 27, 2000) in view of applicants' admitted state of the prior art (*e.g.*, page 82, first full paragraph). GenBank® Accession No. AC008736 has 92.7% sequence identity to SEQ ID NO: 102. Applicants acknowledge the expression of nucleic acids in heterologous host cells to be old (*e.g.*, instant application at page 82, first full paragraph). It would have been obvious for one of ordinary skill in the

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art at the time the invention was made to express the nucleic acid of GenBank® Accession No. AC008736 in the admittedly old manner in order to produce large amounts of sequence-specific polypeptide. This rejection is repeated for reasons already of record (*e.g.*, Office action mailed June 2, 2006, page 10). The discussion in the rejection under 35 U.S.C. § 102(b) is incorporated here.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (571) 272-0719.

The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be e-mailed to [james.martinell@uspto.gov](mailto:james.martinell@uspto.gov). Since e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735.

**OFFICIAL FAX NUMBER**

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any Official Communication to the USPTO should be faxed to this number.

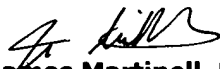


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

  
**James Martinell, Ph.D.**  
**Primary Examiner**  
**Art Unit 1634**

1/16/07